

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION**

CASE NO. 22-81549-CIV-CANNON/Reinhart

LORI WEISE,
and other similarly situated individuals,

Plaintiff,

v.

BLUE LINE LAW FIRM PLLC
and **KEVIN J. DRUMMOND,**

Defendants.

**ORDER ACCEPTING MAGISTRATE JUDGE’S
REPORT AND RECOMMENDATION [ECF No. 45]**

THIS CAUSE comes before the Court upon the Magistrate Judge’s Report and Recommendation on the Motion to Dismiss filed by Defendant Blue Line Law Firm PLLC (the “Report”) [ECF No. 45]. On November 8, 2023, Defendant Blue Line Law Firm PLLC (“Defendant”) filed a Motion to Dismiss (the “Motion”) [ECF No. 38]. On January 5, 2024, following referral, Judge Bruce E. Reinhart issued a Report recommending that the Motion be granted in part and denied in part [ECF No. 45 p. 8]. Objections to the Report were due on January 19, 2024 [ECF No. 45 p. 8]. No party filed objections, and the time to do so has expired [ECF No. 45 p. 8].¹

To challenge the findings and recommendations of a magistrate judge, a party must file specific written objections identifying the portions of the proposed findings and recommendation to which objection is made. *See* Fed. R. Civ. P. 72(b)(3); *Heath v. Jones*, 863 F.2d 815, 822

¹ The parties filed Notices informing the Court that neither party intended to object [ECF Nos. 46, 47].

(11th Cir. 1989); *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006). A district court reviews de novo those portions of the report to which objection is made and may accept, reject, or modify in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1). To the extent a party fails to object to parts of the magistrate judge's report, the Court may accept the recommendation so long as there is no clear error on the face of the record. *Macort*, 208 F. App'x at 784. Legal conclusions are reviewed de novo, even in the absence of an objection. *See LeCroy v. McNeil*, 397 F. App'x 554, 556 (11th Cir. 2010); *Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994).


Following review, the Court finds the Report to be well reasoned and correct. For the reasons set forth in the Report [ECF No. 45 pp. 1–7], it is hereby

ORDERED AND ADJUDGED as follows:

1. The Report and Recommendation [ECF No. 45] is **ACCEPTED**.
2. The Motion [ECF No. 38] is **GRANTED IN PART AND DENIED IN PART**.
 - a. Plaintiff's individual claims may proceed.
 - b. Plaintiff's collective action claim is **DISMISSED WITHOUT PREJUDICE**.
3. **On or before February 19, 2024**, Plaintiff shall either (1) file a Notice indicating its intent to proceed with the individual claims in the Complaint, consistent with the reasoning set forth in the Report; or (2) file an Amended Complaint with additional facts supporting a collective action. This will be Plaintiff's final opportunity to plead a collective action claim.

CASE NO. 22-81549-CIV-CANNON/Reinhart

DONE AND ORDERED in Chambers at Fort Pierce, Florida, this 30th day of January
2024.

A handwritten signature in black ink, appearing to read 'Aileen Cannon', written over a horizontal line.

AILEEN M. CANNON
UNITED STATES DISTRICT JUDGE

cc: counsel of record